



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-06**

March 25, 2002

Ms. Rhenda Barnes, Trustee
300 & 306 Edgewater Dr Realty Trust
PO Box 1388
North Hampton, NH 03862

RE: DES Wetlands File #1999-02071 Edgewater Dr, Gilford

Dear Ms. Barnes,

On February 13, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Gilford Tax Map 218 as Lot 20 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection and further file review, the following deficiencies were documented:

- 1 No permit was posted on site during construction.
2. Approximately 160 square feet of lakebed was excavated adjacent to the shoreline for the installation of (4) pilings.
3. In a phone conversation with the general contractor, Mr. Scott Heimlich, the (4) pilings were installed to support a jet-ski lift.
4. Dirt and various debris was seen on sections of the exposed breakwater surfaces. This debris has the potential for creating a water quality violation.
5. Erosion control measures on site were inadequate to prevent erosion of exposed soils and water quality degradation.
 - a. Silt fence did not encompass the entire work area,
 - b. A small dirt berm, approximately 8 inches tall, 1 foot wide was placed above the proposed beach area with a gap left between the silt fence and berm.
 - c. No silt fence, haybales or other erosion control measures were present along the shoreline below the proposed beach area.
6. DES has not received a copy of the recorded permit as required under Specific Condition #2

of the permit.

7. File records show that on January 18, 2001, Mr. Robert Brown spoke with DES personnel about starting construction, and that the property was being transferred. It was stated by DES personnel that work could begin since the signature on the permit would be the same, though not to delay in filing for a name change after ownership was transferred.

In response, you are requested to take the following actions

1. Immediately install and maintain adequate erosion control measures on site until all exposed soils have been fully stabilized.
2. Within 20 days, please submit a written request to transfer the permit to the new owner, Ms. Rhenda Barnes, Trustee, prior to conducting additional work on site, except for the installation and maintenance of erosion controls as mentioned above.
3. Upon receiving the approval of the Department for a name change on the permit

Submit a copy of the recorded permit to DES prior to commencing with work as it relates to the permit.

- b. Post a copy of the recorded permit on site during construction in a prominent location visible to inspecting personnel.
4. Within 20 days submit a proposal to DES for the removal of the (4) unpermitted pilings located along the shorefront of the Property and means for removing the dirt and debris located on the breakwater surfaces.
5. Implement the removal of the (4) pilings only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey Blecharczyk, Shoreline Investigator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,



COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 70993400000306890220

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Gilford Conservation Commission
Gilford Board of Selectmen
David Killoy, USACOE
File # 99-2071
Robert Brown